



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 17, 2023

BY ECF

The Honorable J. Paul Oetken
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. John Costanzo Jr. and Manuel Recio, 22 Cr. 281 (JPO)*

Dear Judge Oetken:

The Government writes in response to the Associated Press (“AP”) letter of November 3, 2023, regarding access to certain trial exhibits and trial transcripts.

First, with respect to Mr. Nadler’s sealed testimony, the Government has provided the Court with proposed redactions and requests that the Court unseal Mr. Nadler’s testimony after applying the Government’s proposed redactions.

Second, with respect to the defendants’ family members remaining in the courtroom throughout Mr. Nadler’s testimony, courts in this District have cautioned against excluding family members from the courtroom, even where sealing the courtroom is otherwise appropriate. *See, e.g., United States v. Alimehmeti*, 284 F. Supp. 3d 477, 487 (S.D.N.Y. 2018). The Government’s decision not to seek exclusion of the defendants’ families from the courtroom was consistent with those cases.

Third, the Government, after redacting sensitive personal data, has provided copies of its unsealed exhibits to the press.

Respectfully submitted,

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cc: All counsel (by ECF)